

PATENT

App. Ser. No.: 09/870,803
Atty. Dkt. No. ROC920010046US1
PS Ref. No.: IBM/K10046.Y1

REMARKS

This is intended as a full and complete response to the Office Action dated September 7, 2005, having a shortened statutory period for response set to expire on December 7, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-28 are pending in the application. Claims 1-28 remain pending following entry of this response. Claims 3, 12-18, 20, 25 and 28 have been amended. Applicants submit that the amendments and new claims do not introduce new matter.

Claim Rejections - 35 U.S.C. § 112

Claims 1, 8, 9, 10, 11, 12, 17, 18, 19, 22, 23, 27 and 28 rejected under 35 U.S.C. 112, first paragraph.

The Examiner states that:

"[t]he claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "logic blocks" is cited in the specification but is never defined, nor is this term defined in the art."

Applicants respectfully submit that the specification clearly teaches that "logic blocks" are blocks of the hard disk drive for storing data and that the size of the "logic blocks" may be defined, e.g., 512-Byte blocks, 64-Byte blocks. (See Paragraph [0038] and [0039]). Therefore, Applicants believe that the rejection is improper and respectfully request withdrawal of the rejection.

Claim Rejections - 35 U.S.C. § 101

Claims 12, 14, 16, 17, and 25 is rejected under 35 U.S.C. 101. The Examiner states that "the "medium" claims are intended to be claims of mere information." Claims 12-18 have been amended to recite "tangible signal bearing medium". Applicants believe that the rejection is no longer proper and respectfully request withdrawal of the rejection.

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Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 4-9, 12, 14-17, 19, 21, 22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ding*, Patent #5,883,823 and *Law*, Patent #5,671,020.

The Examiner takes the position that

"[i]t would have been obvious to one of ordinary skill in the art, having the teachings of *Ding* and *Law* before him at the time the invention was made to modify the odd/even indexing system of *Ding* to include the storage at different location, as did *Law*. One would have been motivated to make such a combination because this provides the more efficient access to the image data."

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

Ding, as discussed previously, is directed at improving the efficiency of computing inverse discrete cosine transforms utilized in video applications and discloses a system and method for computing inverse discrete cosine transforms. *Law* is directed to improve the conventional video filter having a pixel register which used a crossbar network to connect a memory buffer to an array of processing elements. (*Law*, Col. 2 lines 30-60). *Law* discloses a system for improving video filter processing, wherein the system has a data register, instead of a standard crossbar network, for providing data values to a parallel processing array, and wherein the data register comprises a memory buffer having a first and second memory modules. (*Law*, Col. 2 lines 63-66). However, the references, either alone or in combination, do not teach, show or suggest storing a plurality of odd/even index sequences of the *i* by *j* matrix on a

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hard disk drive having a plurality of logic blocks, wherein at least two odd/even index sequences are stored in separate logic blocks of the hard disk drive.

The Examiner argues that *Ding* teaches that "memory includes a hard drive" in column 6, lines 36-40. However, the cited passage is in fact directed to a computer system 60 having "one or more processors, one or more buses, a hard drive and memory." Clearly, "memory" in the cited passage does not include "hard drive" since they are listed as separate components. On this basis alone the rejection is defective and Applicants request that the rejection be withdrawn and the claims be allowed.

Furthermore, both the *Ding* and *Law* systems are directed to video data processing as related to random access memories (i.e., "frame store memory 112" in *Ding* and "video random access memory (VRAM) 104" in *Law*) and neither reference is directed to processing of video data as related to the storage of data in a hard disk drive.

Regarding the Examiner's position that "[o]ne would have been motivated to make such a combination because this provides the more efficient access to the image data", Applicants submit that no such motivation is provided by the references with respect to accessing data from a hard disk drive since *Law* is concerned with eliminating the crossbar network in a conventional filter system and would not be applicable to storage and retrieval of data from a hard disk drive.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claims 3, 10, 11, 13, 18, 20, 23, and 28 are rejected under 35 U.S. C. 103(a) as being unpatentable over *Oyamada et al.*, Patent #5,617,333, hereinafter *Oyamada*, *Law*, and *Ding*. Applicants respectfully traverse this rejection.

As discussed above, *Ding* and *Law*, either alone or in combination, do not teach, show or suggest storing a plurality of odd/even index sequences of the i by j matrix on a hard disk drive having a plurality of logic blocks, wherein at least two odd/even index sequences are stored in separate logic blocks of the hard disk drive. *Oyamada*,

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discussed previously, discloses nothing further with respect to this feature. Therefore, the rejection is believed to be overcome for the reasons given above.

Furthermore, in response to Examiner's statement that *Oyamada* discloses, in column 3, lines 20-51, disabling the default data recovery procedure of retransmitting the data, Applicants respectfully submit that the cited passage does not disclose such disabling feature, but rather discloses a system in which the image data is encoded for error correction before transmission and decoded after reception. Therefore, the references, either alone or in combination, do not teach, show or suggest disabling a data recovery procedure programmed on the hard disk drive prior to retrieving the data. Therefore, the rejection is believed to be defective.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

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